THE HON'BLE SRI JUSTICE T.CH.SURYA RAO
AND
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO.20804 OF 2006

DATED:04.10.2006

Between:

G.Krishna … petitioner.

And

The Municipal Corporation of Hyderabad,
Rep by Commissioner, Hyderabad. .. Respondent.

THE HON'BLE SRI JUSTICE T.CH.SURYA RAO
AND
THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

W.P.NO.20804 OF 2006

ORDER: (per TCSR,J)

In the instant writ petition, the petitioner seeks a writ of mandamus declaring the action of the respondent officials to demolish the structures over the plot Nos.58 and 59 (H.No.8-3-204/6) in Sy.No.45, Vengalraonagar Colony, Yosufguda, Hyderbad without following due process of law as illegal, arbitrary and against principles of natural justice.

It is alleged, inter alia, in the affidavit filed in support of the writ petition that no notice has been given as is contemplated under Section 452 of the Hyderabad Municipal Corporation Act or any show cause notice upon the petitioner and there have been attempts earlier to demolish the structures.

We have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

There can be no gain saying that the procedure envisaged under Section 452 of the Act shall have to be followed. Even the principles of natural justice require notice to be issued before taking appropriate action by the authorities.

Having regard to the same, the writ petition itself can be disposed of at the threshold with the necessary directions to the

respondents to follow the procedure envisaged under the Act before initiating any appropriate action.

The writ petition is accordingly disposed of. There shall be no order as to cost.

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04.10.2006.

Note:
Issue operative portion of the
Order by wire at party's cost.

B/o.
Mdaa/km